Constitution and By-laws

of the

Omaha Tribe of Nebraska

CONSTITUTION
OF THE
OMAHA TRIBE OF NEBRASKA

PREAMBLE

We, the Omaha Tribe of Nebraska, in order to organize for the common welfare of ourselves and our posterity and to insure domestic tranquility; to conserve and develop our natural resources; to form business and other organizations; to enjoy certain rights of home rule; to provide education in schools of higher learning including: vocational, trade, high schools, and colleges for our people; do ordain and establish this Constitution according to the Act of Congress, dated June 18, 1934, known as the Indian Reorganization Act (48 Stat. 984).

ARTICLE I – TERRITORY

This Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe or by the Tribe, except as otherwise provided by law.

ARTICLE II – MEMBERSHIP

(Entirely changed by Amendment I, effective July 9, 1954, and again changed in its entirety by Amendment II, effective October 28, 1966)

SECTION 1. The membership of the Omaha Tribe of Nebraska shall consist of all living persons whose names appear on the official roll of the Tribe prepared pursuant to Section 1 of the Act of September 14, 1961 (74 Stat. 508).

SECTION 2. Any person possessing aboriginal Omaha blood of the degree of one-fourth (1/4) or more, and not enrolled with any other tribe of Indians, who is born after September 14, 1961, to a member of the Omaha Tribe of Nebraska, shall be enrolled as a member of the Tribe upon the filing by or on behalf of such person, with the Secretary of the Tribal Council, of a membership registration form prescribed by the Tribal Council. In determining the degree of aboriginal Omaha blood, the blood of any tribe other than Omaha shall be excluded.

SECTION 3. Any person who, being a member of the Omaha Tribe of Nebraska, becomes a member of any other tribe of Indians, shall automatically lose his or her membership in the Omaha Tribe of Nebraska. Any person who loses membership in the Omaha Tribe of Nebraska shall not thereafter be entitled to membership in the Omaha Tribe of Nebraska, except as may be authorized by an ordinance promulgated pursuant to Section 4 of this Article II.

SECTION 4. The Tribal Council shall have the power to promulgate ordinances governing future membership, including adoption and loss of membership. *(Amended in part by Amendment XII, August 11, 2006)*

ARTICLE III – GOVERNING BODY

SECTION 1. The governing body under this Constitution and Bylaws shall be known as the Tribal Council, and shall be composed of seven (7) members to be elected by the people.

SECTION 2. The Councilmen shall be elected by the people for a period of three (3) years at staggered intervals, and all Councilmen shall be eligible for reelection at the end of each term of office. The procedure of election shall be decided by the qualified voters in public assembly. At each election assembly a Temporary Election Chairman and Secretary shall be selected by the Tribal Council in power, under such rules and regulations as the Tribal Council may prescribe. *(Amended in part by Amendment XI, November 18, 2003)*

SECTION 3. The officers of the Tribal Council shall be the Chairman, the Vice-Chairman, the Secretary, and the Treasurer, who shall be selected by the Tribal Council from its own membership at the first meeting. The

officers shall serve one (1) year terms, or until the next regular election. *(Amended in part by Amendment XI, November 18, 2003)*

SECTION 4. The Councilmen shall be elected on a staggered basis on the first Tuesday of November of every year. The first election after the passage of this Amendment shall be held in 2004, at which time all seven (7) positions on the Tribal Council shall be filled. For purposes of that first election, those three (3) Councilmen that received the highest number of votes shall serve three (3) year terms, or until their successors are duly installed in office. The two (2) Councilmen that received the fourth and fifth highest number of votes shall serve two (2) year terms, or until their successors are duly installed in office. The two (2) Councilmen that received the sixth and seventh highest number of votes shall serve one (1) year terms, or until their successors are duly installed in office. At the next election in 2005 and every three (3) years thereafter, two (2) Councilmen shall stand for election and serve three (3) year terms, or until their successors are duly installed in office. At the election in 2006 and every three (3) years thereafter, two (2) Councilmen shall stand for election and serve three (3) year terms, or until their successors are duly installed in office. At the election in 2007 and every three (3) years thereafter, three (3) Councilmen shall stand for election and serve three (3) year terms, or until their successors are duly installed in office. Thirty (30) days notice of every regular election of Councilmen, beginning in 1938, shall be given by the Tribal Council. Each Tribal Council elected under this Constitution shall take office immediately after its election. *(Amended in part by Amendment XI, November 18, 2003, and again amended in part by Amendment XIII, August 11, 2006)*

SECTION 5. The Tribal Council shall have the authority to appoint subordinate officers, boards, and committees.

ARTICLE IV – POWERS

SECTION 1. Enumerated powers. - The Tribal Council shall exercise the following powers, subject to any limitations imposed by the Constitution or statutes of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws.

(a) To negotiate with the Federal, State, and local governments on behalf of the Tribe, and to advise and consult with the representatives of the Department of the Interior on all activities of the Department that may affect the Omaha Tribe.

(b) To employ counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees. *(Amended in part by Amendment XIV, August 11, 2006)*

(c) To approve or veto any sale, disposition, lease, or encumbrance of Tribal lands, interests in lands or other Tribal assets, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of government, providing that no reservation lands shall ever be leased for a period exceeding ten (10) years, sold, or encumbered, except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of Tribal land to members of the Tribe and to regulate the leasing of such assignments in conformity with Article VIII of this Constitution.

(f) To manage all economic affairs and enterprises of the Tribe in accordance with the terms of a charter which may be issued to the Tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Omaha Tribe of Nebraska available funds within the exclusive control of the Tribe and any other available Tribal funds. *(Amended in part by Amendment XV, August 11, 2006)*

(h) To levy and collect taxes and license fees upon persons located upon or doing business within the Omaha

Indian Reservation; all taxes and fees thus collected to be deposited in a special bank account established for that purpose. *(amended in part by Amendment VIII, August 19, 1986)*

(i) To purchase lands of members of the Tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(j) To safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe and the Omaha Indian Reservation; to regulate all manner of trade and commerce; to regulate all manner of criminal and non-criminal conduct, subject to any limitation of Federal law. *(amended in part by Amendment III, Decembers 30, 1981)*

(k) To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Omaha Reservation, subject to review by the Secretary of the Interior.

(l) To regulate the manner of making nominations for Tribal offices and the holding of elections.

(m) To adopt resolutions regulating the procedure of the Tribal Council itself and of other Tribal agencies and Tribal officials.

(n) To encourage and foster the arts, crafts, traditions, and culture of the Omaha Tribe.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of cooperative associations of members of the Tribe under ordinances which shall be subject to review by the Secretary of the Interior.

(p) To protect and preserve the property, wildlife, and natural resources of the Tribe.

(q) To delegate to subordinate boards, or Tribal officials, or to cooperative associations which are open to all members of the Tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.

SECTION 2. Future powers. - The Tribal Council may exercise such further powers as may in the future be delegated to the Tribe by members of the Tribe or Congress. *(Amended in part by Amendment XVII, August 11, 2006)*

SECTION 3. Reserved powers. - Any rights and powers heretofore vested in the Omaha Tribe, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Omaha Tribe, through the adoption of appropriate Bylaws and Constitutional amendments.

ARTICLE V – ELECTIONS

SECTION 1. All recognized members of the Omaha Tribe, eighteen (18) years of age and over, and who have maintained continuous residence within the reservation for a period of six (6) months immediately prior to the date of election, shall be qualified voters. *(Amended in part by Amendment XVIII, August 11, 2006)*

SECTION 2. Any person elected to office shall be not less than twenty-one (21) years of age, a member of the Omaha Tribe and a bona fide resident of the Omaha Reservation for not less than one (1) year preceding the date of election; provided, however, the requirement of residence as to any particular candidate may be voided by consent of a majority of the qualified voters of the Omaha Tribe at any election assembly.

SECTION 3. No Federal government employee under civil service shall be eligible to hold office in the Tribal Council.

SECTION 4. No Tribal member convicted of a felony for any offense causing loss to the Omaha Tribe of Nebraska, or who has served any time in prison as a result of any felony conviction without regard to the nature of the offense, shall be eligible to hold any elective Tribal office or to serve as a judge, policeman, or clerk of court for

a period of fifteen (15) years from the date of conviction or the date of release from prison, whichever occurs last. *(Added in its entirety by Amendment IV, December 30, 1981)*

ARTICLE VI – SUSPENSION, REMOVAL AND VACANCIES

SECTION 1. The Omaha people may recall any elected Tribal official or Tribal judge from office for gross neglect or improper conduct as enumerated by Article I, Section 3, Bylaws Code of Ethics. *(Amended in its entirety by Amendment V, December 30, 1981 and again amended in part by Amendment IX, July 29, 1986)*

SECTION 2. A recall election shall be conducted upon submission and certification of a petition for recall specifically stating the reasons for recall and bearing the original signatures of at least the same number of voters as voted in the election placing the official sought to be removed in office. In the case of judges, the required number of signatures on the petition shall be the same as the number of voters who voted in the election placing the Tribal Chairman in office. *(Amended in its entirety by Amendment V, December 30, 1981)*

SECTION 3. No petition for recall may name more than one (1) official or judge. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 4. Recall petitions shall be filed with the Superintendent, Winnebago Agency, Bureau of Indian Affairs, with a copy to the Tribal Chairman. The Chairman shall provide a copy of the petition to the official or judge sought to be removed. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 5. Within twenty (20) days of receipt of a petition for recall, the Superintendent, Winnebago Agency, Bureau of Indian Affairs, shall determine whether the petition bears the original signatures, in the same form as each name is shown on the Tribal enrollment lists, of the requisite number of qualified voters; that the petition is directed against only one (1) official or judge; and that the petition contains a statement of reasons for recall. The Superintendent shall then certify the petition to the Council for the conduct of a recall election if the requirements stated herein are met. If the petition does not conform to the requirements stated herein, the Superintendent shall so state in writing to the Council within the same time period. Within ten (10) days of the receipt of a certified petition from the Superintendent, the Council shall call the recall election and issue the notice thereof. The recall election shall then take place within thirty (30) days of the issuance of the election notice. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 6. The actions of the Superintendent under this Article are not subject to appeal; however, in the event of failure by the Superintendent to act hereunder, the Tribal Council shall designate an appropriate person to carry out the Superintendent's functions and responsibilities under this Article. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 7. The recall ballot shall contain the reasons for recall as stated in the petition, not to exceed one hundred (100) words, and a rebuttal, if requested, by the official or judge involved, also not to exceed one hundred (100) words. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 8. A recall election shall result in the removal of an official or judge upon the affirmative vote of a majority of the people voting in the election if seventy-five percent (75%) or more of those qualified to vote do so or if at least the same number of persons vote as signed the petition, whichever is less. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 9. As an alternative to the procedures outlined above, the Omaha Tribal Council may, by an affirmative vote of five (5) members, call a recall election with respect to any elected Tribal official for gross misconduct or neglect of duty. No action by the Superintendent, Winnebago Agency, Bureau of Indian Affairs, shall be required to initiate a recall election under this Section. The Council shall issue notice of the election containing the grounds for recall not less than thirty (30) days prior to the date scheduled for the election. The official involved shall be removed upon the affirmative vote of the majority of people voting in the election if seventy-five percent (75%) or more of those qualified to vote do so or if at least the same number of persons vote as voted in the election placing the official in office, whichever is less. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 10. Vacancies in any elective Tribal office shall be filled as follows (*Added in its entirety by Amendment V, December 30, 1981*):

(a) When eight (8) months or more remain in the term of the vacated position, a special election to fill the vacancy shall be held within thirty (30) days of the date the vacancy occurred.

(b) Notice of such special election shall be issued by the Council not less than twenty (20) days in advance of the special election date.

(c) If less than eight (8) months remain of a vacated term, the Tribal Council shall fill such vacancy by appointment from among the Tribal membership within thirty (30) days of the date of vacancy, provided that no person may be appointed to an office hereunder unless said person is at the time of his appointment eligible to hold such office by election.

SECTION 11. In the event of any vacancy in the Chief Judge position, the Associate Judge with the longest tenure in office shall temporarily assume the Chief Judge's duties and powers until such time as the Tribal Council has duly appointed a new Chief Judge. (*Added in its entirety by Amendment V, December 30, 1981*)

SECTION 12. In the event of a vacancy in the office of Tribal Treasurer, the Tribal Council shall designate one (1) of its members to perform the duties of the Treasurer until the position is filled. (*Added in its entirety by Amendment V, December 30, 1981*)

SECTION 13. Any Council member after a hearing allowing due process shall be suspended without pay for up to thirty (30) days if found guilty of gross neglect or improper conduct in accordance with the Code of Ethics by the Tribal Chairman. If the Tribal Chairman is the officer in question, the Tribal Council shall so vote by a two-thirds (2/3) majority vote. (*Added in its entirety by Amendment IX, July 29, 1986*)

ARTICLE VII – REFERENDUM

SECTION 1. Any action of the Tribal Council under any of the enumerated powers lodged in the Tribal Council by this Constitution and Bylaws shall be subject to a referendum vote of the people upon a written petition signed by not less than twenty-five percent (25%) of the total number of votes cast in the last election.

ARTICLE VIII – LAND

SECTION 1. Allotted lands, including heirship lands, within the Omaha Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings or other public improvements, upon payment of adequate compensation, by any agency of the State of Nebraska or of the Federal government or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Omaha Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior, may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to sale for nonpayment of State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to lose this land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Omaha Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2. Tribal lands of the Omaha Tribe and all lands which may hereafter be acquired by the Omaha Tribe or by the United States in trust for the Omaha Tribe shall be held as Tribal lands, and no part of such lands shall be mortgaged or sold.

SECTION 3. The Tribal Council may consolidate inherited land holdings by purchase, exchange, transfer, gift, or voluntary relinquishment; this includes the power to reassign such land in the public interest.

SECTION 4. Tribal lands shall not be allotted to individual Indians, but such Tribal lands as are not required for school, agency, or other administrative uses may be assigned by the Tribal Council to members of the Omaha Tribe, or may be leased or otherwise used by the Tribe as hereinafter provided for.

SECTION 5. Tribal lands may be leased by the Tribal Council with the approval of the Secretary of the Interior or his authorized agent in accordance with law. Preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Omaha Tribe. No lease of Tribal lands to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

SECTION 6. In any assignment of Tribal lands which are now owned by the Tribe or which may hereafter be acquired for the Tribe by the United States or purchased by the Tribe out of Tribal funds, or which may be designated for the use of the Tribe, preference shall be given first, to heads of families which are entirely landless; and secondly, to heads of families which have no alloted lands or interests in alloted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interests in land of equal value, such economic unit to be determined by the Tribal Council in ordinances, which shall be subject to review by the Secretary of the Interior or his designated representative. Assignments made under this Section shall be known as "standard assignments."

No member of the Tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council may, if it sees fit, charge an assignee a fee according to a scale adopted by the Council, but not to exceed five dollars ($5.00), on approval of an assignment made under this Section.

SECTION 7. If any person holding a standard assignment of land shall, for a period of two (2) years, fail to use the land so assigned or shall use the land for any unlawful purpose, his assignment may be canceled by the Tribal Council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him by written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a standard assignment.

SECTION 8. Any member of the Omaha Tribe who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the Tribe, receiving in return therefor a certificate of interest representing its present market value, receive therefor an assignment in the same land or other land of equal value, or he may receive a proportionate share in a unit of agricultural grazing or other land.

Assignments made under this Section shall be known as "exchange assignments."

SECTION 9. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Tribe or, if no individual Indian or Indian cooperative association is able and willing to lease the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SECTION 10. Upon the death of a holder of an exchange assignment, such lands shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Omaha Tribe, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of land. Such economic unit of land shall be determined by the Tribal Council.

(c) Such land may not be subdivided into units too small for practical use. The Tribal Council shall determine

the practical subdivision of the land in each case. If the land cannot be properly subdivided, the Tribal Council may issue to such heir or devisee a proportionate share in other lands or other interests in land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment, the same as other Tribal lands.

SECTION 11. Improvements of any character made upon assigned land may be willed to and inherited by members of the Omaha Tribe. When fair division of improvements is not possible, the Tribal Council shall dispose of them under such regulations as it may provide for the benefit of such heirs. No permanent improvements may be removed from any Tribal or assigned land without the consent of the Tribal Council.

SECTION 12. No member of the Omaha Tribe may use or occupy Tribal lands except under an assignment or lease.

SECTION 13. Unassigned land shall be managed by the Tribal Council for the benefit of the members of the entire Tribe, subject to regulations of the Secretary of the Interior issued in accordance with Section 6 of the Act of June 19, 1934 (48 Stat. 984).

SECTION 14. Available Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Omaha Tribe.

SECTION 15. The right to determine the amount of land and make assignments to each lawful assignee shall vest in the Tribal Council, whose decision shall be subject to the final approval of a board of review, consisting of the Superintendent of the Winnebago Agency as Chairman, and two (2) members of the Omaha Tribe at large to be selected by the Tribal Council. The economic needs of the individual, with due regard to land availability and limitation, together with the principles of justice and equity shall be the basic factors affecting the decision in land assignments of both the Tribal Council and the board of review. The decision of the board of review, as heretofore outlined, shall be final.

ARTICLE IX – AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Omaha Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it has been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution by the Tribal Council, signed by at least a majority of the membership of the Tribal Council.

ARTICLE X – TRIBAL COURTS

(Added in its entirety by Amendment VI, December 30, 1981)

SECTION 1. The Omaha Tribal Court system shall consist of one (1) or more trial courts and an appellate court. The Tribal Council shall appoint a full-time Chief Judge and such Associate and Appellate Judges, full or part-time, and other judicial personnel as the Council may deem necessary.

SECTION 2. The term of the Chief Judge shall be four (4) years. He shall be responsible for administration of the Omaha Tribal Court system. The Chief Judge shall select a full-time Clerk of Court to serve at his pleasure. The Chief Judge may sit as a trial judge, but may not hear any appeal from his own trial court decisions, and shall not take part in or interfere with the rendering of the decision on appeal in such cases.

SECTION 3. The Tribal Council shall budget, appropriate, and pay reasonable sums for salaries of judges, clerks, and staff, and for operating and capital expenses of the court system on a continuing basis to ensure that the Tribal courts may perform their functions as called for by this Constitution. Salaries of judges may not be reduced during their terms in office except to the extent that such reduction is a part of an across the board decrease of all

Tribal salaries pursuant to funding or budget cuts beyond the control of the Tribal Council.

SECTION 4. All funds collected in fines by the courts shall be paid over to the Treasurer for deposit in the Tribe's general fund for appropriation pursuant to this Constitution. The Chief Judge shall provide proper annual accounting of all monies collected or received by the courts from any source.

SECTION 5. The Omaha Tribal Courts shall have jurisdiction over cases or controversies filed with the court claiming violation of the Tribal Bill of Rights, Article XI, of this Constitution. In enforcing its rulings under this Section, the court may grant such relief, not including money damages, as it may deem appropriate.

SECTION 6. Subject to any limitations of Federal law, the Omaha Tribal Courts shall have general subject matter jurisdiction over criminal cases arising on the Omaha Indian Reservation and juvenile matters involving any minor Indian child enrolled in or eligible for membership in the Omaha Tribe of Nebraska whether arising on or off the Omaha Indian Reservation. The Tribal Council may expand the jurisdiction of the Tribal Courts by appropriate legislation concerning non-criminal cases and controversies.

SECTION 7. The Omaha Tribal Courts shall follow and enforce such laws and procedures, not inconsistent with this revised Constitution or Federal law, as may be enacted by the Omaha Tribal Council; provided, that in all non-criminal cases, any matters before the court that are not covered by tribal law, tribal custom, or tribal tradition, or applicable Federal law shall be decided by the court by reference to State law.

SECTION 8. In exercising its jurisdiction under this Constitution, the Omaha Tribal Courts may issue all writs or orders necessary or appropriate to the enforcement of their decisions.

ARTICLE XI – BILL OF RIGHTS

(Added in its entirety by Amendment VII, December 30, 1981)

In exercising its powers of self-government, the Omaha Tribe of Nebraska, its agencies, instrumentalities, and officials shall not:

(1) Make or enforce any law prohibiting the free exercise of religion, or abridging freedom of speech, of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor issue warrants but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized;

(3) Subject any person for the same offense to be twice put in jeopardy;

(4) Compel any person in any criminal case to be a witness against himself;

(5) Take any private property for a public use without just compensation;

(6) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and grounds of the charges against him, to have compulsory process for obtaining witnesses in his favor, and, at his own expense, to have the assistance of counsel for his defense;

(7) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event to impose for conviction of any one (1) offense a penalty or punishment greater than that allowed under Federal law, 25 U.S.C. § 1302(7), as it may be amended from time to time; *(Amended in part by Amendment X, November 18, 2003)*

(8) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) Pass a bill of attainder or ex post facto law; or,

(10) Deny to any person accused of any offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

BYLAWS
OF THE
OMAHA TRIBE OF NEBRASKA

ARTICLE I – DUTIES OF OFFICERS

SECTION 1. The duties of the officers of the Tribal Council shall be as follows:

(a) The Chairman of the Tribal Council shall preside at all meetings of the Council. He shall also be the presiding officer at any public assembly meeting which may be duly called in accordance with the Constitution. He shall, at all times, have general supervision of the affairs of the Tribal Council and such matters as naturally pertain to the general welfare of the community. It shall also be the duty of the Chairman to countersign all checks drawn against funds of the organization by the Treasurer.

(b) The Vice-Chairman shall preside at all meetings of the Tribal Council in the absence of the Chairman and shall act in his stead in all matters pertaining to the office of Chairman.

(c) The Secretary shall keep an accurate record of all proceedings of the Tribal Council and furnish copies thereof to the Superintendent and the Commissioner of Indian Affairs. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council and the Tribal corporation. All official records of the Tribal Secretary shall be open to inspection by members of the Tribe at all times.

(d) The Treasurer shall be the custodian of all funds in possession from any source. He shall be under bond to a surety company of recognized standing in an amount to be determined by the Tribal Council. He shall keep an accurate record for all such funds and shall disburse the same in accordance with the vote of the Tribal Council and as designated by this Constitution and Bylaws. The books of the Treasurer shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times and shall be open to inspection by members of the Tribal Council and its officers. *(Amended in part by Amendment XIX, August 11, 2006)*

SECTION 2. The subordinate officers, boards, and committees of the Tribal Council shall perform such duties as the Tribal Council shall, by resolution from time to time provide.

SECTION 3. Code of Ethics for all elected or selected officials. Gross neglect and improper conduct of Article VI, suspension, removal and vacancies from office should be interpreted by the Tribal Council in accordance with these definitions. *(Added in its entirety by Amendment IX, July 29, 1986)*

(a) Gross neglect - As evidenced through any or all of the following:

1. Gross incompetency - Unable or unwilling to perform the duties of office.
2. Abandonment of office - Not attending three (3) consecutive meetings or moving off the Omaha Reservation.
3. Excessive absenteeism - Three (3) days of unexcused absence in any thirty (30) day period.

(b) Improper conduct - Determined by Tribal Council:

1. Converting Tribal property or monies without authorization through omission or misrepresentation of facts.
2. Misuse of office - Unauthorized personal use of Tribal equipment, manpower or materials.
3. Public conduct so as to question the integrity of the Omaha Tribe.

(c) Improper conduct - Convictions by legal courts:

1. Conviction of a felony

2. Three (3) misdemeanor convictions within a twelve (12) month period.

ARTICLE II – OATH

SECTION 1. All officers when elected shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this Constitution. Such officers may be sworn in by any officer qualified to administer an oath.

ARTICLE III – SALARIES AND EXPENDITURES OF TRIBAL FUNDS

SECTION 1. The expenditures of funds belonging to the Tribe must first be approved by a majority vote of the Tribal Council at a regular stated meeting.

SECTION 2. The members of the Tribal Council, boards, and committees shall be paid for services rendered in the interest of the community welfare from funds within the exclusive control of the Tribe when previously authorized by the Tribal Council.

SECTION 3. All salaries proposed by the Tribal Council for Tribal officials to be paid from funds within the exclusive control of the Tribe must be approved by the Tribe at a popular referendum.

ARTICLE IV – MEETINGS

SECTION 1. Stated meetings shall be held the first Fridays of January, April, July, and October. Called meetings shall be held at the discretion of the Chairman or upon request of three (3) members of the Council. Three (3) days written notice shall be given to all Council members provided, however, that emergency meetings may be called at any time.

SECTION 2. Five (5) members shall constitute a quorum.

SECTION 3. The Tribal Council shall set forth such rules of order for its meetings as it desires.

SECTION 4. Council meetings shall be public to the Tribe except all executive sessions.

ARTICLE V – COOPERATION

SECTION 1. The Tribal Council shall work in very close cooperation with the Indian Service Bureau and various departments of the State of Nebraska in matters of charity, education, recreation, social work, and public health.

ARTICLE VI – ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws, when ratified by a majority of the qualified voters of the Omaha Tribe, voting at a special election called for this purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in each election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

CONSTITUTION AND BYLAWS
OF THE
OMAHA TRIBE OF NEBRASKA

CERTIFICATION

This will certify that the foregoing Constitution and Bylaws of the Omaha Tribe of Nebraska, as amended August 11, 2006, is a true and correct copy of the same.

Dated this 5 day of October, 2006.

Signed:

Eleanor Baxter, Chairperson
Omaha Tribal Council

Rodney Morris, Secretary
Omaha Tribal Council